

## Message Text

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PAGE 01     SECTO 32042 01 OF 03 092042Z

71

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00

SSO-00 USIE-00 INRE-00 CCO-00 ACDA-07 IO-13 TRSE-00

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INFO AMEMBASSY BONN

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USMISSION BERLIN

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C O N F I D E N T I A L SECTION 1 OF 3 SECTO 32042

E.O. 11652: GDS

TAGS: OVIP, PFOR, PGOV, WB, GW, US, UK/FR, (KISSINGER, HENRY A.)

SUBJECT: 1976 QUDRIPARTITE MEETING ON BERLIN AND GERMANY:

REPRESENTATION STUDY

AS REPORTED SEPTEL, MINISTERS AT THE QUADRIpartite DINNER ON  
DEC 8 APPROVED THE REVISED TEXT OF THE "OPTIONS" PORTION OF THE  
BONN GROUP STUDY ON PROBLEMS IN CONNECTION WITH THE REPRESENTATION  
BY THE FRG OF THE INTERESTS OF BERLIN ABROAD. FOLLOWING IS THE  
FINAL TEXT OF THAT SECTION OF THE STUDY (REPLACING THE TEXT  
PREVIOUSLY REPORTED IN BONN 20112):

BEGIN TEXT

### III OPTIONS

16. THE PROBLEMS IN THE FIELD OF REPRESENTATION ABROAD ARE OF  
VARYING MAGNITUDE. AMONG THE MORE SIGNIFICANT ARE: THE  
INABILITY OF THE FRG TO DEVELOP ITS TREATY COOPERATION WITH  
EASTERN BLOC COUNTRIES; THE PROBLEM OF INCLUDING BERLIN IN CURRENT  
AND FORTHCOMING EUROPEAN NEGOTIATIONS SUCH AS EED/CMEA AND CSCE  
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PAGE 02     SECTO 32042 01 OF 03 092042Z

FOLLOW-UP AND SOVIET OPPOSITION TO THE PARTICIPATION OF BERLIN

IN THE PROGRESSIVE DEVELOPMENT OF THE EEC. WHILE OTHER PROBLEMS MENTIONED IN SECTION I APPEAR IN THEMSELVES TO BE OF LESSER IMPORTANCE, THEY BECOME SIGNIFICANT WHEN TAKEN AS A WHOLE AND TO THE EXTENT THAT THEY MIGHT PREJUDICE THE LONG-TERM INTERNATIONAL POSITION OF THE WEST ON BERLIN.

17. SINCE, IN PRESENT CIRCUMSTANCES AT LEAST, IT IS EXCLUDED THAT THE SOVIET UNION WILL FUNDAMENTALLY CHANGE ITS POSITION AND SINCE THE WESTERN SIDE FOR ITS PART HAS NO INTENTION OF RENOUNCING ITS RIGHTS, THE IMPROVEMENTS WHICH MIGHT BE ENVISAGED MUST BE ESSENTIALLY PRAGMATIC. THEY WOULD HAVE THE AIM OF PERMITTING SOME PROGRESS, ALBEIT VERY SLOW, TOWARDS A BETTER IMPLEMENTATION OF THE QA.

#### PROTECTING THE WESTERN INTERNATIONAL POSITION

18. THE ALLIES AND THE FRG HAVE SO FAR BEEN REPLYING FAIRLY SYSTEMATICALLY TO ALL UNACCEPTABLE PROTEST OR STATEMENTS BY THE SOVIET UNION OR HER ALLIES IN INTERNATIONAL FORA. IN THE COURSE OF THIS WAR OF NOTES EACH SIDE HAS BEEN ABLE TO EXPLAIN ITS LEGAL POSITION. THE NEED NOW IS, THEREFORE, TO STRENGTHEN OUR POLITICAL POSITION.

#### A. LEGAL

19. THE WESTERN LEGAL POSITION IS NOW SET OUT IN A SUBSTANTIAL BODY OF REFERENCES AND DOCTRINE. IT SHOULD THEREFORE BE EXAMINED WHETHER IT WOULD BE USEFUL TO REPEAT THE POSITION IN AN EXHAUSTIVE WAY EACH TIME IN INTERNATIONAL ORGANIZATIONS. IN THIS AREA WE COULD LIMIT OUR ACTION TO:

(A) CONFIRMING KNOWN POSITIONS;

(B) DEVELOPING OUR ARGUMENTATION ONLY WHEN A NEW PROBLEM HAS BEEN RAISED, OR WHEN WE JUDGE THAT THE ARGUMENT IS OF SUFFICIENT IMPORTANCE TO NEED REPETITION; AND

(C) RECALLING, IF AND WHEN APPROPRIATE, THAT THE STATUS OF BERLIN ALSO APPLIES TO ITS EASTERN SECTOR.

20. IN THESE CIRCUMSTANCES WE MIGHT IMPROVE THE EFFECTIVENESS OF  
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PAGE 03     SECTO 32042 01 OF 03 092042Z

OUR ACTION BY:

(A) GIVING ALLIED DELEGATIONS IN THE MAJOR INTERNATIONAL ORGANIZATIONS STANDING INSTRUCTIONS WHICH THEY WOULD HAVE DISCRETION TO USE WHEN A BERLIN PROBLEM AROSE IN ORDER TO RESTATE OR RECALL SOME PREVIOUS ALLIED INTERVENTION;

(B) ENSURING THAT ALLIED REPRESENTATIVES AT INTERNATIONAL

MEETINGS ARE PROVIDED WITH PRECISE AND IDENTICAL INSTRUCTIONS WHEN IT APPEARS LIKELY THAT A BERLIN PROBLEM WILL BE RAISED (IN PARTICULAR THAT OF THE PARTICIPATION OF AN OFFICIAL FROM A FEDERAL AGENCY SITUATED IN BERLIN);

(C) DEFINING A COMMONWESTERN POSITION ON THE DESIGNATION OF BERLIN IN INTERNATIONAL DOCUMENTATION, A POSITION WHICH WOULD BE KNOWN BY ALLIED REPRESENTATIVES IN THE INTERNATIONAL ORGANIZATIONS CONCERNED;

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PAGE 01      SECTO 32042 02 OF 03 092102Z

71

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

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C O N F I D E N T I A L SECTION 2 OF 3 SECTO 32042

(D) TAKING WHATEVER ACTION MAY BE PRACTICABLE TO ENSURE IN ADVANCE THAT THE PARTICIPATION OF FEDERAL OFFICIALS FROM BERLIN AT MEETINGS IN EASTERN EUROPE WOULD NOT BE OBSTRUCTED: THE FRG, WITH THE SUPPORT OF THE THREE ALLIES COULD, FOR EXAMPLE, REQUEST THE CONCLUSION OF APPROPRIATELY BINDING HOST-GOVERNMENT AGREEMENTS; AND

(E) AVOIDING AS MUCH AS POSSIBLE DRAMATIZING IN THE WEST INCIDENTS WHICH ARE IN THEMSELVES OF LITTLE IMPORTANCE.

B. POLITICAL

21. IN THE FIELD OF PROTECTING THE WESTERN POLITICAL POSITON  
WE MUST COMBINE RESOLUTE DEFENSE OF BERLIN'S INTERESTS WITH A  
DUE REGARD FOR THE NEED NOT TO FORFIET THE SYMPATHY OF THHIRD  
COUNTRIES. WE MUST THEREFORE INFORM AND CONVINCE IN ORDER NEVER  
TO BE OBLIGED TO OFFEND OR EXERT PRESSURE:

(A) THE FIRST POSSIBILITY WOULD BE TO BRIEF AS APPROPRIATE  
THIRD COUNTRIES AND THE SECRETARIATS OF INTERNATIONAL  
ORGANIZATIONS ON THE BASIS OF THE DOCUMENT PREPARED BY THE BONN  
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PAGE 02     SECTO 32042 02 OF 03 092102Z

GROUP.

(B) IN INTERNATIONAL ORGANIZATIONS THE ALLIES COULD MAKE CLEAR  
AS THE NEED AROSE THAT THEY COULD NOT ACCEPT CONCESSIONS TO  
SOVIET OR GDR DEMANDS. THEY COULD MOREOVER FROM TIME TO TIME  
EXPLAIN THE PROBLEMS WE FACE TO INTERNATIONAL CIVIL SERVANTS WHO  
MIGHT BE RECEPTIVE TO SUCH AN APPROACH.

(C) ON THE CONDITION OF THEMSELVES NOT STARTING QUARRELS, THE  
ALLIES COULD DENOUNCE EASTERN ATTEMPTS TO DISTURB THE WORK OF  
TECHNICAL CONFERENCES BY INTRODUCING POLITICAL QUESTIONS.

(D) THE EASTERN COUNTRIES SHOULD BE ENCOURAGED TO DEVELOP THE  
HABIT OF TAKING PART IN INTERNATIONAL EVENTS IN BERLIN. FOR THIS  
PURPOSE THE FOLLOWING STEPS MIGHT BE CONTEMPLATED:

(1) ENCOURAGING MEETINGS IN BERLIN OF INTERNATIONAL  
ORGANIZATIONS, IN THE FIRST INSTANCE OF A CULTURAL, SCIENTIFIC, OR  
ECONOMIC NATURE;

(2) SEEKING TO ENSURE THAT BERLIN IS NOT DISCRIMINATED  
AGAINST AS A SITE FOR INTERNATIONAL MEETINGS, BUT AVOIDING A  
DEMONSTRATIVE ACCUMULATION OF MEETINGS;

(3) INVITING THE SOVIETS TO NON-GOVERNMENTAL MEETINGS IN  
BERLIN ORGANIZED BY GERMAN INSTITUTIONS IN COOPERATION WITH  
AMERICAN, BRITISH OR FRENCH INSITITUTIONS (ASPEN INSTITUTE);

(4) ADOPTING A FLEXIBLE INVITATION PROCEDURE FOR NON-  
GOVERNMENTAL INTERNATIONAL EVENTS.

EAST-WEST NEGOTIATIONS

22. AS FAR AS THE INCLUSION OF BERLIN IN EAST-WEST NEGOTIATIONS  
(E.G., CSCE, EEC/CMEA) IS CONCERNED, THE WESTERN APPROACH COULD  
BE BASED ON THE FOLLOWING PRINCIPLES.

(A) ALL AGREEMENTS SHOULD MAKE SAAPISFACTORY PROVISION FOR  
THE INCLUSION OF BERLIN, PROVIDED THAT THIS IS NOT PRECLUDED BY

THE NATURE OF THE AGREEMENT CONCERNED;

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PAGE 03     SECTO 32042 02 OF 03 092102Z

(B) THE FOUR GOVERNMENTS SHOULD THEREFORE WORK OUT IN  
ADVANCE FORMULAE FOR THIS PURPOSE;

(C) THESE FORMULAE WOULD THEN HAVE TO INCLUDE THE OTHER

WESTERN PARTNERS, IN ORDER TOGET THEIR SUPPORT;

(D) DURING THE NEGOTIATIONS THEMSELVES THE ALLIED DELEGATIONS  
WOULD ACTIVELY SUSTAIN THE POSITION THEY HAD COMMONLY AGREED;

(E) IT WOULD BE GENERALLY USEFUL TO ASSESS IN ADVANCE THE  
REPERCUSSIONS FOR BERLIN OF ALL PROPOSALS OF THIS KIND AND DRAW  
THE ATTENTION OF GOVERNMENTS TO THE BERLIN PROBLEMS INHERENT IN  
PROPOSALS SUCH AS CSCE FOLLOW-UP CONFERENCES.

BERLIN AND THE EC

23. THE PARTICIPATION OF BERLIN IN THE PROGRESSIVE DEVELOPMENT  
OF THE COMMUNITY TOUCHES ON ESSENTIAL ASPECTS OF THE BERLIN PROBLEM  
(TIES, REPRESENTATION ABROAD, STATUS). IT IS ESSENTIAL TO THE  
MAINTENANCE OF THE VIABILITY OF THE CITY. IT IS THUS A BASIC  
PROBLEM, ON WHICH A SOVIET REQUEST FOR QUADRIPARTITE CONSULTATIONS  
CANNOT BE EXCLUDED.

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PAGE 01     SECTO 32042 03 OF 03 092109Z

71

ACTION EUR-12

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C O N F I D E N T I A L SECTION 3 OF 3 SECTO 32042

24. THE WESTERN APPROACH COULD BE THE FOLLOWING:

(A) NOT TO MAKE ANY CONCESSION ON THE PRINCIPLE THAT BERLIN  
REMAINS INCLUDED IN THE AREA OF APPLICATION OF THE EC TREATIES  
SUBJECT TO ALLIED RIGHTS AND RESPONSIBILITIES REMAINING  
UNAFFECTED.

(B) TO TELL THE SOVIETS THAT SUCH INCLUSION DOES NOT AFFECT  
THE STATUS OF BERLIN AND THAT FUTURE COMMUNITY DEVELOPMENTS  
WILL NOT AFFECT ALLIED RIGHTS AND RESPONSIBILITIES.

(C) THE GERMAN, BRITISH AND FRENCH GOVERNMENTS, IN  
CONSULTATION WITH THAT OF THE US, SHOULD IDENTIFY WELL IN ADVANCE  
THE BERLIN ASPECTS OF EVERY POLITICALLY IMPORTANT NEW COMMUNITY  
DEVELOPMENT AND YET THAT NO DEVELOPMENT IS PERMITTED TO AFFECT  
ALLIED RIGHTS AND RESPONSIBILITIES, INCLUDING THOSE RELATING TO  
MATTERS OF SECURITY AND STATUS.

TREATY COOPERATION

24. THE UNBLOCKING OF TREATY COOPERATION BETWEEN THE FRG AND  
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PAGE 02 SECTO 32042 03 OF 03 092109Z

EASTERN COUNTRIES IS TECHNICALLY ONE OF THE MOST DIFFICULT  
AIMS TO ACHIEVE. THE APPROACH TO THE PROBLEM COULD BE BOTH  
DIRECT AND INDIRECT:

(A) (1) DIRECTLY, AND KEEPING IN CLOSE TOUCH WITH THE ALLIES,  
THE FRG WOULD MAKE ANOTHER ATTEMPT TO NEGOTIATE WITH EASTERN  
COUNTRIES SATISFACTORY SOLUTIONS FOR INCLUDING BERLIN IN THE  
AGREEMENTS CONTEMPLATED.

(2) THE THREE ALLIES AND THE FRG COULD SUPPLEMENT THIS  
BY ASSISTING THE SENAT TO RESIST PRESSURES FROM EASTERN COUNTRIES  
TO ACCEPT UNJUSTIFIABLE "DIRECT CONTACTS" IN ORDER TO AVOID ANY  
ENCROACHMENT ON THE RIGHTS CONFERRED ON THE FRG IN 1952/54.

(B) INDIRECTLY, THE FOLLOWING COULD BE ENVISAGED:

(1) BEING MORE EXPLICIT ABOUT ALLIED RESERVATIONS IN

BERLIN DECLARATIONS ON MULTILATERAL TREATIES;

(2) BEING MORE RESTRICTIVE ABOUT EXTENDING TO BERLIN THOSE  
TREATIES CONCLUDED BY THE FRG WHICH CONCERN QUESTIONS OF SECURITY  
AND STATUS, IN ORDER TO DEFEND OUR POSITION MORE SOLIDLY IN  
OTHER CASES;

(3) CONTINUING AN UNDEMONSTRATIVE POLICY ON TIES AND SEEKING  
TO PERSUADE THE SOVIETS TO ACCEPT COOPERATION, AT FIRST INFORMAL  
AND PROBABLY CONFIDENTIAL, WITH ANY INSTITUTION, THE RESEARCH OR  
ACTIVITIES OF WHICH INTEREST THE SOVIET UNION PRACTICALLY.

26. IN THEIR HIGH LEVEL BILATERAL MEETINGS WITH THE SOVIETS, THE  
THREE ALLIES MIGHT PLACE THE BERLIN PROBLEM IN THE CONTEXT OF  
EAST-WEST RELATIONS, MAKING IT CLEAR THAT BERLIN CANNOT BE  
ISOLATED FROM OTHER, BROADER ISSUES. END TEXT. KISSINGER

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